DOCUMENT RESUME

ED 352 138 PS 020 910

TITLE	Bicycle Helmet Promotion Act. Report of the Senate Committee on Commerce, Science, and Transportation on S. 3096. 102d Congress, 2d Session.
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on Commerce, Science, and Transportation.
REPORT NO	Senate-R-102-406
PUB DATE	92
NOTE	9p.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Bicycling; Children; *Child Welfare; Federal Legislation; *Incentive Grants; Local Government; Safety Education; *Safety Equipment; State Programs; *Traffic Safety
IDENTIFIERS	*Bicycle Helmets; Proposed Legislation

ABSTRACT

Senate Bill 3096 (S. 3096), the Bicycle Helmet Promotion Act, provides incentive grants to state and local governments that seek to promote the use of bicycle helmets by children under the age of 16. Between 1984 and 1988, a total of 4,815 Americans died and 2,830,475 suffered injuries requiring hospitalization as a result of accidents that occurred while riding a bicycle. Children under the age of 15 suffered 41 percent of the cycling-related deaths from head injuries and 76 percent of all cycling-related head injuries. The overwhelming majority of the cycling-related deaths and injuries could have been prevented by the use of protective bicycle helmets. However, only 5 percent of children wear a helmet while cycling. In recent years, states and localities have undertaken some efforts to encourage or require the use of bicycle helmets by children. An appropriate role for the Federal Government is to encourage these efforts, while affording states and local governments wide latitude in addressing this safety issue. Specifically, S. 3096 establishes a safety grant program to be administered by the National Highway Transportation Safety Administration to provide funds for the enforcement of a law that requires children to wear approved bicycle helmets; to assist children to acquire helmets; or to develop and administer a program to educate children on the importance of wearing helmets. The bill would authorize appropriations for this purpose of $2 million for fiscal year (FY) 1993, $3 million for FY 1994, and $4 million for FY 1995. (AC)

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Calendar No. 674

102d Congress *2d Session*	SENATE	Report 102-606

BICYCLE HELMET PROMOTION ACT

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 3096

SEPTEMBER 16 (legislative day, September 8), 1992.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
89-010 WASHINGTON : 1992

ED352138
PS 020910

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Calendar No. 674

102D CONGRESS
2d Session

SENATE

REPORT
102-406

BICYCLE HELMET PROMOTION ACT

SEPTEMBER 16 (legislative day, SEPTEMBER 8), 1992.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 3096]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 3096) to establish a grant program under the Administrator of the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by children under the age of 16, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended do pass.

PURPOSE OF THE BILL

S. 3096, as reported, provides incentive grants to State and local governments that seek to promote the use of bicycle helmets by children under the age of 16 years.

BACKGROUND AND NEEDS

Safety Concerns.—Ninety million Americans ride bicycles. Of these, 20 million ride a bicycle at least once a week. As use of the bicycle as a a means of transportation grows, safety concerns also have increased. According to a study published last December in the Journal of the American Medical Association (JAMA), between 1984 and 1988, 4,815 Americans died and 2,830,475 suffered injuries requiring hospital treatment while riding a bicycle. Head trauma caused 2,985 deaths and 905,752 injuries.

The JAMA study also concluded that the overwhelming majority of the deaths and injuries could have been prevented by the use of protective bicycle helmets. JAMA found that 2,600 deaths and 757,000 head injuries could have (1) been prevented if all cyclists

had worn helmets. This conclusion echoes the findings of a similar study published, in 1989, in the New England Journal of Medicine. It found that use of a helmet reduces the risk of head injuries by 85 percent and brain injuries by 90 percent. According to the National Head Injury Foundation, the lifetime economic cost of supporting a child with a severe head injury is $4.5 million.

Impact on Children.—According to the JAMA study, between 1984 and 1988, children under 15 years old suffered 41 percent of cycling-related head injury deaths and 76 percent of all cycling head injuries. Yet, coding to testimony received by the Committee at a March 13, 1989, hearing on the reauthorization of the Consumer Product Safety Commission, from Dr. Martin Eichelberger, Director of Trauma Services at Children's Hospital, only 5 percent of all children wear a helmet while cycling. This statistic is supported by a study by the Committee on Accident and Poison Prevention of the American Academy of Pediatrics, entitled "Bicycle Helmets." (See Pediatrics, Volume 85, No. 2, February 1990.) Dr. Eichelberger further testified that a survey of parents of third-grade students revealed that ignorance of the safety benefits of bicycle helmets is widespread. Any significant increase in helmet use above the current level of 5 percent should have prevented many of these deaths and costly injuries.

Federal Role in Promoting Helmet Use.—In recent years, States and localities have undertaken some efforts to encourage or require the use of bicycle helmets by children. For example, Howard County, MD, requires children who are 16 years old or under to wear a bicycle helmet. In addition, Howard County has begun an educational program through the school system to increase understanding of the safety benefits of helmet use. Montgomery County, MD, has enacted a similar law and implemented similar educational programs.

An appropriate Federal role is to encourage State and local governments to take action to increase helmet use, which can be accomplished by providing needed resources to allow them to decide how best to accomplish the objective of increasing helmet use. The Federal Government should provide State and local governments with wide latitude in addressing this pressing safety problem.

Legislative History

Senator John Danforth introduced S. 3096 on July 29, 1992. On August 11, the Committee, at an open executive session, ordered the bill reported without objection.

Summary of Major Provisions

The reported bill includes the following provisions.

—It establishes a safety grant program, to be administered by the National Highway Transportation Safety Administration (NHTSA), to provide incentives for State and local governments to encourage the use of approved bicycle helmets for children under the age of 16 years.

—The grants from NHTSA to State and local governments may be used for programs that encourage the use of bicycle helmets by children. Specifically, State and local governments

may use the funds in one or more of the following ways: to enforce a law that requires children to wear approved bicycle helmets; to assist children to acquire bicycle helmets; or to develop and administer a program to educate children on the importance of wearing helmets.

—For administration of the grant program, the reported bill authorizes to NHTSA $2,000,000 for fiscal year (FY) 1993, $3,000,000 for FY 1994, and $4,000,000 for FY 1995.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 14, 1992.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 3096, a bill to establish a grant program under the Administrator of the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by children under the age of 16.

Enactment of S. 3096 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 3096.

2. Bill title: A bill to establish a grant program under the Administrator of the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by children under the age of 16.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation on August 11, 1992.

4. Bill purpose: S. 3096 would authorize the National Highway Traffic Safety Administration to make grants to state and local governments for programs that require or encourage children to wear bicycle helmets. The bill would authorize appropriations for this purpose of $2 million for fiscal year 1993, $3 million for fiscal year 1994, and $4 million for fiscal year 1995.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Authorization level	7	3	6		
Estimated outlays	1	2	3	7	1

The costs of this bill fall within budget function 400.

Basis of Estimate: CBO assumed that the full amount authorized would be appropriated prior to the start of each fiscal year. Outlay estimates are based on historical spending rates for similar programs.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of S. 3096 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Marjorie Miller.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS AFFECTED

The purpose of the legislation is to increase the use of bicycle helmets. It is anticipated to affect the conduct of a substantial portion of children who ride bicycles. This legislation does not, however, impose Federal requirements on those individuals.

ECONOMIC IMPACT

The lifetime economic cost of maintaining a child who has suffered a severe head injury is $4.5 million. The reported bill is expected to prevent numerous head injuries. As a result, it is anticipated that this legislation will generate substantial cost savings both for individuals and government entities which provide assistance to head injury victims.

PRIVACY

S. 3096 as reported will have no adverse impact on the personal privacy of individuals who may be affected.

PAPERWORK

S. 3096 as reported directs NHTSA to award grants to State and local governments to promote bicycle helmet use. As NHTSA awards other similar safety grants, the legislation will result in [illegible] increase in paperwork.

SECTION-BY-SECTION ANALYSIS

SECTION 1.—FINDINGS

This section contains the findings regarding bicycle ridership, its safety, and the promotion of the use of bicycle helmets by children.

SECTION 2.—ESTABLISHMENT OF PROGRAM

This section authorizes the NHTSA Administrator to make grants to State or local governments for programs that require or encourage individuals under the age of 16 years to wear approved bicycle helmets. This section makes clear that government entities have wide discretion to design effective, qualifying programs to promote helmet use.

SECTION 3.—PURPOSES FOR GRANTS

This section provides that a grant may be awarded for any one or a combination of the following purposes.

(1) *Enforcement of mandatory helmet laws for children under age 16.* An example of such a law is the statute in Howard County, MD. The purpose of the Howard County statute is to promote helmet use, not for revenue-sharing or punitive purposes. Howard County police issue warnings and notify the parents or the guardian of a child who is not in compliance with the law prior to issuing a citation. Only after the fourth violation would a child and the child's family be subject to a civil fine. Such fines in Howard County begin at $25, and many reach $100 for subsequent offenses.

A study of the mandatory helmet law in Howard County by the Maryland Department of Health and the Centers for Disease Control reveals its effectiveness. The study found that helmet use by children in Howard County increased from 4 to 47 percent. By contrast, in Baltimore County, helmet use decreased from 19 to 4 percent over the same time period, where no effort was made to promote helmet use during the survey period.

(2) *Assistance in acquiring helmets.* Such a program could take many forms. For example, a helmet "bank" could be established that would allow parents to trade an old helmet for a larger one as the child grows. Another program could be funds made available for the purchase of a new helmet—whether a parent would have to demonstrate financial need would be left to the grantee. Such programs also could involve participation by helmet manufacturers, retailers that sell bicycle helmets, or nonprofit organizations. The National SAFE KIDS Campaign, a coalition of consumer, health, and safety groups dedicated to combating accidental injuries to children, has established such programs across the country. Such programs are to be encouraged, but the standards for qualifying for a grant should not be limited to the types of programs described above. Rather, State and local authorities are encouraged to design creative programs to assist children and their parents in acquiring bicycle helmets.

(3) *Educational programs.* State and local authorities have broad discretion in establishing educational programs that qualify for a grant. For example, a grant could be awarded for a television advertising campaign or for instruction in the school systems. As was the case with helmet acquisition programs, educational programs that use the resources of nonprofit organizations and the private sector are permissible. The qualifying standard for an education grant is broad, and State and local governments are encouraged to be innovative in designing such programs.

SECTION 4.—AUTHORIZATION OF APPROPRIATIONS

This section of the legislation authorizes appropriations of $2 million in FY 1993, $3 million in FY 1994, and $4 million in FY 1995.

SECTION 5.—DEFINITION

This section defines the term "approved bicycle helmet" as a bicycle helmet that meets the standards of the American National Standards Institute or the Snell Memorial Foundation. These are voluntary safety standards with which manufacturers may choose to comply. The Committee takes no position on whether a mandatory standard is necessary. The reported bill seeks to promote the use of helmets that meet the current, prevalent safety standards.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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